

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
AT HUNTINGTON**

MICHAEL WALKER, individually,

Plaintiff,

vs.

Civil Action No. : 3:18-cv-01523

Hon. Robert C. Chambers, U.S. District Judge

M. H. LOVEJOY, in his individual capacity,
B.E. DONAHOE, in his individual capacity,
B.W. PAULEY, in his individual capacity,
PUTNAM COUNTY COMMISSION, a
political subdivision of the State of West
Virginia,

Defendants.

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Plaintiff, by counsel, John H. Bryan, pursuant to FED. R. CIV. P. 56, respectfully moves the Court for summary judgment. As more fully set out in plaintiff's memorandum in support, filed contemporaneously herewith and incorporated herein, the pleadings, depositions, sworn testimony and other documents show that there is no genuine issue as to any material fact related to Counts Three and Four of the plaintiff's complaint and plaintiff is entitled to judgment as a matter of law on the said counts, and for a jury trial on the issue of damages only.

Accordingly, the plaintiff respectfully requests the Court to GRANT his motion and ORDER that summary judgment be entered in his favor on Count Two of the complaint.

MICHAEL WALKER
By Counsel

/s/ John H. Bryan

John H. Bryan (WV Bar No. 10259)

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for the Plaintiff

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CERTIFICATE OF SERVICE

I, John H. Bryan, do hereby certify that I have delivered a true copy of the foregoing
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT upon counsel of record by using the
CM/ECF System, this the 13th day of December, 2019, and addressed as follows:

John P. Fuller, Esq.
Charles R. Bailey, Esq.
Adam K. Strider, Esq.
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500 Virginia Street, East, Suite 600
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Charleston, WV 25337-3710

/s John H. Bryan